

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

IN RE: JUUL LABS INC., MARKETING,
SALES PRACTICES, AND PRODUCTS
LIABILITY LITIGATION

CASE NO. 19-md-02913-WHO

**CASE MANAGEMENT ORDER NO. 13:
GOVERNMENT ENTITY AND SCHOOL
DISTRICT FACT SHEET
IMPLEMENTATION ORDER**

This Document Relates to:

HONORABLE WILLIAM H. ORRICK

All matters

This Case Management Order (“CMO” or “Order”) governs the form, schedule for completion, and service of government entity (including school district) Plaintiff Fact Sheets (“PFS”) in this MDL. This Order applies to all government-entity Plaintiffs (including school-district Plaintiffs) (collectively “Government-Entity Plaintiffs”) and their counsel in: (a) all actions transferred to *In re: JUUL Labs, Inc., Marketing, Sales Practices, and Products Liability Litigation* (“MDL-2913”) by the Judicial Panel on Multidistrict Litigation (“JPML”) pursuant to its Order dated October 2, 2019 and (b) to all related actions directly filed in or removed to this Court.

Online Platform

The Court hereby appoints BrownGreer, PLC (“BrownGreer”) to serve as the online platform for the data management of the PFS. The parties are directed to utilize BrownGreer’s platform, “MDL Centrality,” to fulfill their PFS obligations and also, to the extent necessary, directly or through their designated representatives, to enter into a contract with the company specifying the services to be provided, the costs of such services, and the parties’ payment obligations. BrownGreer shall work with the parties to compile all necessary data. Government-Entity Plaintiffs shall serve their respective PFS

1 and documents responsive to the requests in the PFS (“Responsive Documents”) by uploading them to
 2 MDL Centrality. Uploading the responsive discovery to MDL Centrality shall constitute effective service.

3 **Plaintiff Fact Sheets**

4 The Court has approved two PFSs for Government-Entity Plaintiffs—one for government-entity
 5 Plaintiffs, generally, and one specific to school-district Plaintiffs—which both also include document
 6 requests. *See* Exhibits 1-2. Each Government-Entity Plaintiff must complete and submit the appropriate
 7 PFS and Responsive Documents through MDL Centrality pursuant to the terms of this Order.

8 The obligation to comply with this CMO and to provide a PFS shall fall solely to the individual
 9 counsel representing a Government-Entity Plaintiff. As with all case-specific discovery, Plaintiffs’ Lead
 10 Counsel and the members of the Plaintiffs’ Steering Committee are not obligated to conduct case-specific
 11 discovery for Plaintiffs by whom they have not been individually retained. In addition, Plaintiffs’ Lead
 12 Counsel and the members of the Plaintiffs’ Steering Committee have no obligation to notify counsel for
 13 Government-Entity Plaintiffs whom they do not represent of Defendants’ notice of overdue or deficient
 14 discovery or to respond to any motion practice pertaining thereto.

15 **Discovery Mechanism**

16 The effect of a Government-Entity Plaintiff’s response to the questions contained in the PFS shall
 17 be considered the same as interrogatory responses, and where documents are requested, responses shall
 18 be considered the same as responses to requests for production under the Federal Rules of Civil Procedure,
 19 and will be governed by the standards applicable to written discovery under the Federal Rules of Civil
 20 Procedure.

21 A PFS is served without prejudice to the Defendants’ rights to serve additional discovery (which
 22 Defendants specifically reserve the right to serve). The Parties have agreed that additional discovery
 23 requests are appropriate for those cases that are chosen by the Parties and/or the Court as potential
 24 bellwether trial candidates. The Government-Entity Plaintiffs do not waive their rights to assert objections
 25 permitted under the Federal Rules of Civil Procedure to any additional discovery.

26 **PFS Deadlines**

27 The following PFS deadlines shall apply:

1 **A. Cases filed on or before the date of the entry of this Order:** For cases directly filed in
 2 this judicial district and entered on the MDL 2913 docket on or before entry of this Order and for cases
 3 the JPML transfers to MDL 2913 on or before entry of this Order, each Government-Entity Plaintiff must
 4 complete and submit a PFS and produce Responsive Documents within 60 days after entry of this Order.
 5 A case shall be deemed transferred to MDL 2913 either: (a) on the date the Clerk enters a certified copy
 6 of the JPML's Conditional Transfer Order on the docket of this Court, or (b) where transfer is contested,
 7 the date of transfer in any subsequent order from the JPML.

8 **B. Cases filed after the date of the entry of this Order:** For cases directly filed in this
 9 judicial district and entered on the MDL 2913 docket after entry of this Order, each Government-Entity
 10 Plaintiff must complete and submit a PFS and produce Responsive Documents within 60 days after the
 11 complaint has been entered on the docket. For cases the JPML transfers to MDL 2913 after entry of this
 12 Order, each Government-Entity Plaintiff must complete and submit a PFS and produce Responsive
 13 Documents within 60 days after the case has been transferred to this Court as defined in paragraph 5(A)
 14 above.

15 **Substantial Completeness of PFS**

16 **A. Substantial completeness:** PFS submissions must be substantially complete, which
 17 means the Government-Entity Plaintiff must:

- 18 1. Answer all applicable questions (a Government Entity-Plaintiff may answer questions in
- 19 good faith by indicating "not applicable," "I don't know," or "unknown");
- 20 2. Include a signed Declaration; and
- 21 3. Produce Responsive Documents to the extent such documents are in the Government-
- 22 Entity Plaintiff's possession, custody, or control.

23 **B. Deficiency notice:** If a Defendant considers a PFS to be materially deficient, a deficiency
 24 notice outlining the purported deficiency(ies) shall be served on the Government-Entity Plaintiff's
 25 attorney of record via MDL Centrality. The deficient Government-Entity Plaintiff will have thirty (30)
 26 days to correct the alleged deficiency(ies).

Objections Reserved to PFS

All objections to the admissibility of information contained in the PFS are reserved; therefore, no objections shall be lodged in the responses to the questions and requests contained therein. This paragraph, however, does not prohibit a Government-Entity Plaintiff from withholding or redacting information based upon a recognized privilege. Documents withheld on the basis of privilege shall be logged in accordance with the requirements of Case Management Order No. 4: Rule 502(d) and Privileged Materials Order, Docket No. 322, Section C.

Confidentiality of Data

Information any Government-Entity Plaintiff provides pursuant to a PFS is deemed confidential, and may be disclosed only as permitted by the Protective Order.

Scope of Depositions and Admissibility of Evidence

Nothing in the PFS shall be deemed to limit the scope of inquiry at depositions and admissibility of evidence at trial. The scope of inquiry at depositions shall remain governed by the Federal Rules of Civil Procedure. The Federal Rules of Evidence shall govern the admissibility of information contained in responses to the PFS and no objections are waived by virtue of providing information in any PFS.

Failure to Serve PFS

A. Notice by Defendants of overdue discovery: Any Government-Entity Plaintiff who fails to comply with its PFS obligations under this Order may be subject to having its claims dismissed. If a Government-Entity Plaintiff has not submitted a completed PFS within 30 days following the due date set forth herein, any Defendant may send a Notice of Overdue Discovery via MDL Centrality.

B. Motion to dismiss without prejudice: If a Government-Entity Plaintiff fails to submit a completed PFS within 30 days after receipt of the Notice of Overdue Discovery, any Defendant may move the Court for an order dismissing the Government-Entity Plaintiff's complaint without prejudice. A Government-Entity Plaintiff subject to such motion shall have 14 days from the date of the Defendant's motion to file a response either (a) certifying that the Government-Entity Plaintiff has submitted a completed PFS or (b) opposing the Defendant's motion for other reasons. If a Government-Entity Plaintiff

certifies that he or she has submitted a completed PFS, the Government-Entity Plaintiff's claims shall not be dismissed (unless the Court finds that the certification is false or incorrect).

C. Motion to convert order of dismissal without prejudice to order of dismissal with prejudice: If the Court dismisses a complaint without prejudice under the previous paragraph, the Defendant may move the court no earlier than 30 days after the Court's entry of the Order of dismissal without prejudice to convert the Order to an Order of dismissal with prejudice. This provision does not in any way reduce or mitigate Defendant's burden in proving to the Court that a dismissal with prejudice is warranted under whatever statute, rule or caselaw Defendant brings its motion. If the government-entity Plaintiff serves Defendant's counsel or their designee(s) with a completed PFS prior to the filing of Defendant's motion to convert a dismissal without prejudice to a dismissal with prejudice, the parties shall submit a stipulated motion to vacate the dismissal without prejudice Order.

This Order may be modified by a Stipulated Order of the parties or by the Court for good cause shown.

IT IS SO ORDERED.

DATED: October 22, 2020



HONORABLE WILLIAM H. ORRICK
United States District Judge

EXHIBIT 1

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

IN RE: JUUL LABS, INC., MARKETING,
SALES PRACTICES, AND PRODUCTS
LIABILITY LITIGATION

MDL No. 2913
Case No. 19-md-02913-WHO

This document relates to:

ALL ACTIONS

PLAINTIFF FACT SHEET - GOVERNMENT ENTITIES

Please provide the following information for each government entity plaintiff that has filed a complaint in the *In Re Juul Labs, Inc., Marketing, Sales Practices, and Products Liability Litigation*, MDL No. 13-2913. In completing this Plaintiff Fact Sheet (PFS), you are under oath and must provide information that is true and correct to the best of your knowledge, information and belief. Please do not leave any questions unanswered or blank. If you are filling out this Fact Sheet in hard copy, use additional sheets as needed to fully respond.

You may and should consult with your attorney if you have any questions regarding the completion of this form.

This Plaintiff Fact Sheet constitutes discovery responses subject to the Federal Rules of Civil Procedure. Information provided will only be used for purposes related to this litigation and may be disclosed only as permitted by the Protective Order.

INSTRUCTIONS:

1. “You” and “Your” as used throughout this PFS means each Government Entity Plaintiff named in this action.
2. As used throughout this PFS and consistent with the Court’s October 9, 2020 Order (Docket No. 1038), “any existing report, survey, analysis, study, or other document that tracks or otherwise provides an overview of” the issues addressed by the particular question (for example, the prevalence of use of tobacco or nicotine products, vaping or e-cigarettes, alcohol, drugs, other illicit substances, and expenditures made to address the use of these products or substances) means information that has already been compiled. If these types of documents exist, they should be produced. That already compiled information is only available or stored via email is not a reason for it not to be produced. Each Plaintiff must diligently investigate whether it has compiled in any form the information sought. This investigation might involve asking an appropriate person at particular county/city agencies to provide the Plaintiff with a document/report that has already compiled information. However, if information has not been compiled or summarized on these topics it does not need to be located, described or produced (i.e., You are not required to locate, compile, sort, describe or produce underlying

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records that might show, for example, the prevalence of use or expenses incurred to address these products or substances).

3. "Citizen" means any resident within Your geographic bounds.
4. Please attach additional pages where necessary.

I. CASE INFORMATION

1. Plaintiff: _____
2. Case name: _____
3. Case number: _____
4. Name of the court in which the complaint was initially filed:

5. Filing date of the complaint: _____
6. Named defendant(s) in the complaint:

7. Name, firm, and e-mail address of principal attorney(s) representing You:

Name: _____

Firm: _____

Email address: _____

8. Description of the citizens and entities You purport to represent in this lawsuit:

9. Are You seeking damages on behalf of schools?

___ Yes ___ No

If yes, please also fill out the School District Plaintiff Fact Sheet.

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II. CITY/COUNTY DATA

10. Total number of citizens within Your city/county:_____

11. Percentage of citizens in Your city/county under the age of 18:_____

12. In any of the past 10 (ten) years has the total number of citizens in Your city/county been 20% more or 20% less than the figure reported in Question No. 10?

___ Yes ___ No

If yes, please state the total number of citizens within Your city/county for each such year, or if that information isn't reasonably available, give a description of the approximate population change over the last 10 years.

13. All zip codes encompassed within Your geographic boundaries:

14. Identify the minimum legal purchase age for tobacco products (including but not limited to cigarettes and smokeless tobacco products) in Your city/county for each year since 2012:

15. Identify the minimum legal age to purchase e-cigarettes in Your city/county or state from 2012 – present:

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16. Number of schools in Your city/county:

- a. Number of high schools: _____
- b. Number of middle schools: _____
- c. Number of elementary schools: _____

17. Provide the percentages of youth who have tried e-cigarettes and also youth who currently use e-cigarettes in Your city/county for the years in which that information is reasonably available or attach reports showing the same:

18. Have You or any organization or entity in Your city/county had any communications or interactions with any of the Defendants for any reason, including in connection with anti-smoking programs or youth vaping programs?

_____ Yes _____ No

If yes, for each communication or interaction, state (1) the date the communication or interaction occurred; (2) the nature of the communication or interaction; and (3) summarize Your portion of the communication.

III. PERSONS WITH RELEVANT KNOWLEDGE

19. Identify the person(s) in Your city/county, if applicable, who held the following position(s) or their equivalent, since 2012:

- a. Mayors and Vice Mayors: _____
- b. City Councilmembers: _____
- c. City Managers: _____
- d. County Commissioners: _____

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e. County Supervisors: _____

f. County Executives: _____

g. Chief Health Officers: _____

h. Tobacco Prevention Control Manager: _____

20. Do any of the individuals identified above monitor, follow, record, or track data relating to vaping or e-cigarettes?

_____ Yes _____ No

If yes, identify those individuals

21. Identify the person(s) in Plaintiff's city/county most knowledgeable about youth use of tobacco or nicotine products, e-cigarettes and vaping products, alcohol, drugs, or other illicit substances, and the impact of such use on Plaintiff's city and county, from 2012 – present.

IV. DAMAGES

22. Please state generally in what way or how You claim You have been damaged by Defendants' alleged acts at issue in this lawsuit.

23. Are You seeking any monetary damages?

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_____ Yes _____ No

If Yes, identify each category of damages or monetary relief that You allege. This request is not designed to require an expert evaluation.

24. Are You seeking damages or other monetary relief based in whole or in part on personal injury to any individual(s)?

_____ Yes _____ No

If Yes, identify each individual and the alleged personal injury:

25. Are You seeking injunctive relief?

_____ Yes _____ No

If Yes, identify each category of injunctive relief that you seek. This request is not designed to require an expert evaluation.

26. Are You seeking abatement?

_____ Yes _____ No

If Yes, identify each category of abatement that you seek. This request is not designed to require an expert evaluation.

EXHIBIT 1

27. Identify the approximate date (*i.e.*, month and year) when You claim You were first injured and began to incur damages as a result of Defendants' alleged conduct. This request is not designed to require an expert evaluation.

28. Have You been involved in any e-cigarette or vaping related lawsuit in the past?

_____ Yes _____ No

If yes, for each lawsuit, state (1) the court in which the lawsuit was filed; (2) the case name; (3) the civil action or docket number assigned to the lawsuit; and (4) a description of Your involvement or claims in the lawsuit.

V. VAPING AND E-CIGARETTE RELATED SERVICES AND PROGRAMS

29. Have You enacted any legislation or regulations relating to or designed to limit youth use of e-cigarettes from 2012 – present?

_____ Yes _____ No

If yes, identify the legislation's or regulation's name, topic, and the date it was enacted.

30. Have You formed or participated in any task force, other program, or group to address any issue related to vaping or e-cigarettes from 2012 – present?

_____ Yes _____ No

If yes, identify the program's name and the date it was formed.

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31. Have You provided any vaping or e-cigarette prevention or education classes or programs in Your city/county from 2012 – present?

_____ Yes _____ No

If yes, identify the program's name and the dates it was in existence.

32. Have You provided any vaping prevention or education materials to organizations or individuals in Your city/county from 2012 – present?

_____ Yes _____ No

If yes, identify the date of utilization for each set of materials.

33. Have You provided any vaping or e-cigarette cessation classes or programs in Your city/county from 2012 – present?

_____ Yes _____ No

If yes, identify the program's name and the dates it was in existence.

34. Have You engaged in any enforcement actions relating to the purchase or use of vaping or e-cigarette products by underage users in Your city/county?

_____ Yes _____ No

If yes, identify the enforcement program and, to the extent they are available in the ordinary course of business, provide anonymized reports summarizing said enforcement activity from 2012 – present.

EXHIBIT 1

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35. Have You received any grant, donation, or other funding designated for or allocated to addressing issues relating to vaping or e-cigarettes from 2012 – present?

_____ Yes _____ No

If yes, provide a general description of grant/donation/funding.

36. Generally describe Your efforts, if any, to limit youth access to e-cigarettes or vaping products in Your city/county from 2012 – present.

VI. REPORTS AND INFORMATION RELATING TO E-CIGARETTES, TOBACCO, ALCOHOL, DRUGS, AND OTHER ILLICIT SUBSTANCES

37. Do You possess any existing report, survey, analysis, study or other document that tracks or otherwise provides an overview of or describes the prevalence of vaping or e-cigarette use by youth in Your city/county?

_____ Yes _____ No

If yes, please provide a copy of any such reports, surveys, analyses, studies, or other documents as they are kept in the ordinary course of business, and without identifying any youth-specific data, from 2012 – present.

38. Do You possess any existing report, survey, analysis, study or other document that tracks or otherwise provides an overview of or describes the prevalence of tobacco or nicotine products use by youth in Your city/county?

_____ Yes _____ No

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If yes, please provide a copy of any such reports, surveys, analyses, studies, or other documents as they are kept in the ordinary course of business, and without identifying any youth-specific data, from 2012 – present.

39. Generally describe Your efforts, if any, to limit youth access to tobacco or nicotine products in Your city/county from 2012 – present.

40. Do You possess any existing report, survey, analysis, study or other document that tracks or otherwise provides an overview of or describes the prevalence of alcohol use by youth in Your city/county?

_____ Yes _____ No

If yes, please provide a copy of any such reports, surveys, analyses, studies, or other documents as they are kept in the ordinary course of business, and without identifying any youth-specific data, from 2012 – present.

41. Generally describe Your efforts, if any, to limit youth access to alcohol in Your city/county from 2012 – present.

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42. Do You possess any existing report, survey, analysis, study or other document that tracks or otherwise provides an overview of or describes the prevalence of drug use by youth in Your city/county?

_____ Yes _____ No

If yes, please provide a copy of any such reports, surveys, analyses, studies, or other documents as they are kept in the ordinary course of business, and without identifying any youth-specific data, from 2012 – present.

43. Generally describe Your efforts, if any, to limit youth access to drugs in Your city/county from 2012 – present.

44. Do You possess any existing report, survey, analysis, study or other document that tracks or otherwise provides an overview of or describes the prevalence of use by youth in Your city/county of other illicit substances?

_____ Yes _____ No

If yes, please provide a copy of any such reports, surveys, analyses, studies, or other documents as they are kept in the ordinary course of business, and without identifying any youth-specific data, from 2012 – present.

45. Generally describe Your efforts, if any, to limit youth access to other illicit substances in Your city/county from 2012 – present.

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46. Do You possess any existing report, survey, analysis, study or other document that tracks or otherwise provides an overview of or describes expenditures that You made to address youth use of vaping or e-cigarettes in Your city/county?

___ Yes ___ No

If yes, please produce a copy of such reports, surveys, analyses, studies, or other documents as they are kept in the ordinary course of business from 2012 – present.

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-
-
47. Do You possess any existing report, survey, analysis, study or other document that tracks or otherwise provides an overview of or describes expenditures that You made to address youth use of tobacco or nicotine products in Your city/county?

___ Yes ___ No

If yes, please produce a copy of such reports, surveys, analyses, studies, or other documents as they are kept in the ordinary course of business from 2012 – present.

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-
-
48. Do You possess any existing report, survey, analysis, study or other document that tracks or otherwise provides an overview of or describes expenditures that You made to address youth use of alcohol in Your city/county?

___ Yes ___ No

If yes, please produce a copy of such reports, surveys, analyses, studies, or other documents as they are kept in the ordinary course of business from 2012 – present.

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49. Do You possess any existing report, survey, analysis, study or other document that tracks or otherwise provides an overview of or describes expenditures that You made to address youth use of drugs in Your city/county?

___ Yes ___ No

If yes, please produce a copy of such reports, surveys, analyses, studies, or other documents as they are kept in the ordinary course of business from 2012 – present.

50. Do You possess any existing report, survey, analysis, study or other document that tracks or otherwise provides an overview of or describes expenditures that You made to address youth use of other illicit substances in Your city/county?

___ Yes ___ No

If yes, please produce a copy of such reports, surveys, analyses, studies, or other documents as they are kept in the ordinary course of business from 2012 – present.

CERTIFICATION

I declare under penalty of perjury that all of the information provided in this Plaintiff Fact Sheet is complete, true, and correct to the best of my knowledge and information, and that I have provided all of the requested documents that are reasonably accessible to me and/or my attorneys, to the best of my knowledge

Signature

Date

Name (Printed)

Title

EXHIBIT 2

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

IN RE: JUUL LABS, INC., MARKETING,
SALES PRACTICES, AND PRODUCTS
LIABILITY LITIGATION

MDL No. 2913
Case No. 19-md-02913-WHO

This document relates to:

ALL ACTIONS

PLAINTIFF FACT SHEET – SCHOOL DISTRICTS

Please provide the following information for each school district plaintiff that has filed a complaint in the *In Re Juul Labs, Inc., Marketing, Sales Practices, and Products Liability Litigation*, MDL No. 13-2913. In completing this Plaintiff Fact Sheet (PFS), you are under oath and must provide information that is true and correct to the best of your knowledge, information and belief. Please do not leave any questions unanswered or blank. If you are filling out this Fact Sheet in hard copy, use additional sheets as needed to fully respond.

You may and should consult with your attorney if you have any questions regarding the completion of this form.

This Plaintiff Fact Sheet constitutes discovery responses subject to the Federal Rules of Civil Procedure. Information provided will only be used for purposes related to this litigation and may be disclosed only as permitted by the Protective Order.

INSTRUCTIONS:

1. “You” and “Your” as used throughout this PFS means each school district Plaintiff named in this action.
2. As used throughout this PFS and consistent with the Court’s October 9, 2020 Order (Docket No. 1038), “any existing report, survey, analysis, study, or other document that tracks or otherwise provides an overview of” the issues addressed by the particular question (for example, the prevalence of use of tobacco or nicotine products, vaping or e-cigarettes, alcohol, drugs, other illicit substances, and expenditures made to address the use of these products or substances) means information that has already been compiled. If these types of documents exist, they should be produced. That already compiled information is only available or stored via email is not a reason for it not to be produced. Each Plaintiff should diligently investigate whether it has compiled in any form the information sought. This investigation might involve a district employee asking an appropriate person at each school to provide the district with a document/report that has already compiled information. However, if information has not been compiled or summarized on these topics it does not need to be located, described or produced (i.e., You are not required to locate, compile, sort, describe or

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produce underlying records that might show, for example, the prevalence of use or expenses incurred to address these products or substances).

3. Please attach additional pages where necessary.

I. CASE INFORMATION

1. Plaintiff: _____

2. Case name: _____

3. Case number: _____

4. Name of the court in which the complaint was initially filed:

5. Filing date of the complaint: _____

6. Named defendant(s) in the complaint:

7. Name, firm, and e-mail address of principal attorney(s) representing You:

Name: _____

Firm: _____

Email address: _____

II. SCHOOL DISTRICT DATA

8. Total number of schools in Plaintiff's district: _____

9. Number of high schools in Plaintiff's district: _____

10. Number of middle schools in Plaintiff's district: _____

11. Number of elementary schools in Plaintiff's district: _____

12. Total number of students in Plaintiff's district: _____

13. In any of the past 10 (ten) years has the total number of students in Plaintiff's district been 20% more or 20% less than the figure reported in Question No. 12?

___ Yes ___ No

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If yes, please state the total number of students within Plaintiff's district for each such year, or if that information isn't reasonably available, give a description of the approximate student population change over the last 10 years.

14. Have You or any schools in Your district had any communications or interactions with any of the Defendants for any reason, including in connection with anti-smoking programs or youth vaping programs?

_____ Yes _____ No

If yes, for each communication or interaction, state (1) the date the communication or interaction occurred; (2) the nature of the communication or interaction; and (3) summarize Your portion of the communication.

III. PERSONS WITH RELEVANT KNOWLEDGE

15. Please identify the person(s) who held the following position(s) or their equivalent in Plaintiff's District, since 2012:

a. Superintendent(s):

b. Vice or Assistant Superintendent(s):

16. Please identify the person(s) in Plaintiff's district most knowledgeable about student use on school property of tobacco or nicotine products, e-cigarettes and vaping

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products, alcohol, drugs, or other illicit substances, and the impact of such use on Plaintiff's district, from 2012 – present.

IV. DAMAGES

17. Please state generally in what way or how You claim You have been damaged by Defendants' alleged acts at issue in this lawsuit.

18. Are You seeking any monetary damages?

_____ Yes _____ No

If Yes, identify each category of damages or monetary relief that You allege. This request is not designed to require an expert evaluation.

19. Are You seeking damages or other monetary relief based in whole or in part on personal injury to any individual(s)?

_____ Yes _____ No

If Yes, identify each individual and the alleged personal injury:

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20. Are You seeking injunctive relief?

_____ Yes _____ No

If Yes, identify each category of injunctive relief that you seek. This request is not designed to require an expert evaluation:

21. Are You seeking abatement?

_____ Yes _____ No

If Yes, identify each category of abatement that You seek. This request is not designed to require an expert evaluation:

22. Identify the approximate date (*i.e.*, month and year) when You claim You were first injured and began to incur damages as a result of Defendants' alleged conduct. This request is not designed to require an expert evaluation.

23. Have You been involved in any e-cigarette or vaping related lawsuit in the past?

_____ Yes _____ No

If yes, for each lawsuit, state (1) the court in which the lawsuit was filed; (2) the case name; (3) the civil action or docket number assigned to the lawsuit; and (4) a description of your involvement or claims in the lawsuit.

V. VAPING AND E-CIGARETTE RELATED SERVICES AND PROGRAMS

24. Have You formed or participated in any task force, other program, or group to address any issue related to vaping or e-cigarettes from 2012 – present?

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_____ Yes _____ No

If yes, identify the name of any such program(s) and the date of formation:

25. Have You provided any vaping or e-cigarette prevention or education classes or programs in Your schools from 2012 – present?

_____ Yes _____ No

If yes, identify the program's name and the dates it was in existence:

26. Have You provided any vaping or e-cigarette cessation classes or programs in Your schools from 2012 – present?

_____ Yes _____ No

If yes, identify the program's name and the dates it was in existence:

27. Have You received any grant, donation, or other funding designated for or allocated to addressing issues relating to vaping or e-cigarettes from 2012 – present?

_____ Yes _____ No

If yes, provide a general description of grant/donation/funding.

28. Generally describe your efforts, if any, to limit student access to e-cigarettes or vaping products while on school property from 2012 – present.

EXHIBIT 2

VI. POLICIES AND REPORTS RELATING TO E-CIGARETTES, TOBACCO, ALCOHOL, DRUGS, AND OTHER ILLICIT SUBSTANCES

29. Do You possess any existing report, survey, analysis, study or other document that tracks or otherwise provides an overview of or describes the prevalence of tobacco or nicotine products use in Your district?

_____ Yes _____ No

If yes, please provide a copy of any such reports, surveys, analyses, studies, or other documents as they are kept in the ordinary course of business, and without identifying any student-specific data, from 2012 – present.

30. Do You possess any existing report, survey, analysis, study or other document that tracks or otherwise provides an overview of or describes the prevalence of vaping or e-cigarette use in Your district?

_____ Yes _____ No

If yes, please provide a copy of any such reports, surveys, analyses, studies, or other documents as they are kept in the ordinary course of business, and without identifying any student-specific data, from 2012 – present.

31. Do You possess any existing report, survey, analysis, study or other document that tracks or otherwise provides an overview of or describes the prevalence of alcohol use in Your district?

_____ Yes _____ No

If yes, please provide a copy of any such reports, surveys, analyses, studies, or other documents as they are kept in the ordinary course of business, and without identifying any student-specific data, from 2012 – present.

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32. Do You possess any existing report, survey, analysis, study or other document that tracks or otherwise provides an overview of or describes the prevalence of drug use in Your district?

_____ Yes _____ No

If yes, please provide a copy of any such reports, surveys, analyses, studies, or other documents as they are kept in the ordinary course of business, and without identifying any student-specific data, from 2012 – present.

33. Do You possess any existing report, survey, analysis, study or other document that tracks or otherwise provides an overview of or describes the prevalence of use of other illicit substances in Your district?

_____ Yes _____ No

If yes, please provide a copy of any such reports, surveys, analyses, studies, or other documents as they are kept in the ordinary course of business, and without identifying any student-specific data, from 2012 – present.

34. Do You possess any disciplinary codes, policies or codes of conduct that address use of tobacco or nicotine products e-cigarette or vaping products, alcohol, drugs, or other illicit substances?

_____ Yes _____ No

If yes, please attach copies of the relevant codes or policies from 2012 – present.

EXHIBIT 2

35. Do You possess any existing report, survey, analysis, study or other document that tracks or otherwise provides an overview of interventions, discipline or other consequences imposed on students for using tobacco or nicotine products on school premises?

_____ Yes _____ No

If yes, please produce a copy of any such reports, surveys, analyses, studies, or other documents as they are kept in the ordinary course of business, and without identifying any student-specific data, from 2012 – present.

36. Generally describe Your efforts, if any, to limit use of tobacco or nicotine products in the schools in Your district from 2012-present.

37. Do You possess any existing report, survey, analysis, study or other document that tracks or otherwise provides an overview of interventions, discipline or other consequences imposed on students for using e-cigarette or vaping products on school premises?

_____ Yes _____ No

If yes, please produce a copy of any such reports, surveys, analyses, studies, or other documents as they are kept in the ordinary course of business, and without identifying any student-specific data, from 2012 – present.

EXHIBIT 2

38. Generally describe Your efforts, if any, to limit use of e-cigarette or vaping products in the schools in Your district from 2012 – present.

39. Do You possess any existing report, survey, analysis, study or other document that tracks or otherwise provides an overview of interventions, discipline or other consequences imposed on students for using alcohol on school premises?

_____ Yes _____ No

If yes, please produce a copy of any such reports, surveys, analyses, studies, or other documents as they are kept in the ordinary course of business, and without identifying any student-specific data, from 2012 – present.

40. Generally describe Your efforts, if any, to limit use of alcohol in the schools in Your district from 2012 – present.

41. Do You possess any existing report, survey, analysis, study or other document that tracks or otherwise provides an overview of interventions, discipline or other consequences imposed on students for using drugs on school premises?

_____ Yes _____ No

If yes, please produce a copy of any such reports, surveys, analyses, studies, or other documents as they are kept in the ordinary course of business, and without identifying any student-specific data, from 2012 – present.

EXHIBIT 2

42. Generally describe Your efforts, if any, to limit use of drugs in the schools in Your district from 2012 – present.

43. Do You possess any existing report, survey, analysis, study or other document that tracks or otherwise provides an overview of interventions, discipline or other consequences imposed on students for using other illicit substances on school premises?

_____ Yes _____ No

If yes, please produce a copy of any such reports, surveys, analyses, studies, or other documents as they are kept in the ordinary course of business, and without identifying any student-specific data, from 2012 – present.

44. Generally describe Your efforts, if any, to limit youth use of other illicit substances in the schools in Your district from 2012 – present.

45. Do You possess any existing report, survey, analysis, study or other document that tracks or otherwise provides an overview of or describes expenditures that You made to address use of tobacco or nicotine products in Your district?

___ Yes ___ No

If yes, please produce a copy of such reports, surveys, analyses, studies, or other documents as they are kept in the ordinary course of business from 2012 – present.

EXHIBIT 2

46. Do you possess any existing report, survey, analysis, study or other document that tracks or otherwise provides an overview of or describes expenditures that You made to address use of vaping or e-cigarettes in Your district?

☐ Yes ☐ No

If yes, please produce a copy of such reports, surveys, analyses, studies, or other documents as they are kept in the ordinary course of business from 2012 – present.

47. Do you possess any existing report, survey, analysis, study or other document that tracks or otherwise provides an overview of or describes expenditures that You made to address use of alcohol in Your district?

☐ Yes ☐ No

If yes, please produce a copy of such reports, surveys, analyses, studies, or other documents as they are kept in the ordinary course of business from 2012 – present.

48. Do you possess any existing report, survey, analysis, study or other document that tracks or otherwise provides an overview of or describes expenditures that You made to address use of drugs in Your district?

☐ Yes ☐ No

If yes, please produce a copy of such reports, surveys, analyses, studies, or other documents as they are kept in the ordinary course of business from 2012 – present.

EXHIBIT 2

49. Do you possess any existing report, survey, analysis, study or other document that tracks or otherwise provides an overview of or describes expenditures that You made to address use of other illicit substances in Your district?

___ Yes ___ No

If yes, please produce a copy of such reports, surveys, analyses, studies, or other documents as they are kept in the ordinary course of business from 2012 – present.

CERTIFICATION

I declare under penalty of perjury that all of the information provided in this Plaintiff Fact Sheet is complete, true, and correct to the best of my knowledge and information, and that I have provided all of the requested documents that are reasonably accessible to me and/or my attorneys, to the best of my knowledge

Signature

Date

Name (Printed)

Title